

OLYMPUS ENVIRONMENTAL, INC.,)	AGBCA No. 99-105-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

February 15, 2000

Before HOURY, POLLACK, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

This appeal arises out of Contract No. 43-05H7-7-0112 between Olympus Environmental, Inc. of Kent, Washington, and the U. S. Department of Agriculture, Forest Service, Okanogan National Forest, Okanogan, Washington. The contract involved slide repair in the Nancy Creek area of the Colville National Forest. Appellant claims \$52,329. Essentially the dispute alleged a differing site condition involving the presence of boulders, the presence of an underground spring, as well as charges involving hindrance and defective design.

On August 20, 1998, the Contracting Officer (CO) issued a decision denying the bulk of the claim and allowing \$5,087.80. On October 20, 1998, Appellant filed its notice of appeal, which the Board docketed on October 28, 1998. The Board has jurisdiction pursuant to the Contract Disputes Act, 41 U.S.C. §§ 601-613, as amended. Pleadings were then filed and the parties ultimately elected a

hearing. As a result of a telephone conference in June 1999, the parties advised the Board that they would be ready for hearing some time between October and December 1999. Subsequently, the Board held a telephone conference on October 4, 1999, at which time it reviewed both substantive and procedural concerns and identified various matters that needed to be addressed at a hearing and other matters which the Board felt the parties could narrow or resolve. A firm hearing date was thereafter scheduled for December 14 and 15, 1999.

By letter of December 3, 1999, from counsel for Appellant, Appellant withdrew the appeal.

DECISION

Based on the letter of withdrawal, the appeal is dismissed.

HOWARD A. POLLACK

Administrative Judge

Concurring:

EDWARD HOURY

Administrative Judge

ANNE W. WESTBROOK

Administrative Judge

Issued at Washington, D. C.

February 15, 2000.